

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ALVA R. BOYER,

Plaintiff,

v.

**Civil Action 2:24-cv-3816
Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Chelsey M. Vascura**

**FAYETTE COUNTY CHILD SUPPORT
AGENCY,**

Defendant.

REPORT AND RECOMMENDATION

On December 13, 2024, the Court ordered Plaintiff to show cause why the Court should not dismiss her claims against Defendant, Fayette County Child Support Agency, without prejudice for failure to effect service and why the Court should allow an extension of time to effect service. (ECF No. 4.) On December 23, 2024, Plaintiff filed a Response to the show cause order (ECF No. 5), but it did not include sufficient evidence of service of process. Consequently, on December 26, 2024, the Court ordered Plaintiff to submit, within fourteen days, a completed Proof of Service Form AO 440. (ECF No. 6.) To date, Plaintiff has not submitted the form and so has not made proof of service to the Court as required by Federal Rule of Civil Procedure 4(l).

Plaintiff was previously cautioned that failure to perfect service over Defendant would result in her claims against Fayette County Child Support Agency being dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m). (ECF No. 6.) It is therefore **RECOMMENDED** that Plaintiff's claims against Defendant Fayette County Child Support Agency be **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4(m) for failure to timely

effect service.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE